

2014-1136
(Reexamination Nos. 95/000,468 and 90/009,378)

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

DEPUY SYNTHES PRODUCTS, LLC,
Appellant,

v.

SMITH & NEPHEW, INC.,
Appellee,

Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board

APPELLANT'S UNOPPOSED MOTION
TO EXTEND TIME FOR FILING BRIEF

Pursuant to Federal Rule of Appellate Procedure 26(b) and Federal Circuit Rule 26(b), Appellant DePuy Synthes Products, LLC respectfully requests a sixty (60) day extension of time to file Appellant's initial Brief, until and including April 4, 2014. In support of its Motion, Appellant states as follows:

This is an appeal from a decision of the USPTO Patent Trial and Appeal Board. The appeal was docketed on December 4, 2013. Pursuant to this Court's Rules, Appellant's initial Brief is currently due on February 3, 2014. However, an extension is requested because Appellant has engaged new counsel for this appeal,

and counsel requires additional time to familiarize themselves with the extensive record in the proceedings below, and to thoroughly research and brief the issues on appeal. Counsel estimates that an additional 60 days will be necessary to accomplish those tasks.

Appellant has not submitted any prior request for an extension of time in this appeal. Counsel for Appellant has discussed this motion with counsel for Appellee, Smith & Nephew, Inc., and is authorized to state that Appellee does not oppose this motion and does not intend to file a response.

WHEREFORE, Appellant respectfully requests that the Court grant its unopposed motion to extend the time for Appellant to file its initial Brief by sixty days, up until and including April 4, 2014.

Dated this 10th day of January, 2014.

Respectfully submitted,

DePuy Synthes Products, LLC,

By its attorney,

/s/ Paul J. Cronin

Paul J. Cronin, Esq.

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Form 9

FORM 9. Certificate of Interest**UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**DePuy Synthes Products, LLC v. Smith & Nephew, Inc.No. 14-1136**CERTIFICATE OF INTEREST**

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

DePuy Synthes Products, LLC certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

DePuy Synthes Products, LLC

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

Codman & Shurtleff, Inc; DePuy Orthopaedics, Inc.; DePuy Products, Inc.; DePuy Spine, LLC; DePuy Synthes, Inc.; Johnson & Johnson; Johnson & Johnson International; Synthes, Inc. Synthes USA, LLC4. ☒ The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:Nutter McClennen & Fish LLP by Paul J. Cronin and Lisa Adams
Woodcock Washburn LLP by David R. Bailey, William F. Smith and John F. MurphyDecember 18, 2013
Date/s/ Paul J. Cronin
Signature of counselPaul J. Cronin
Printed name of counsel

Please Note: All questions must be answered

cc: _____

Reset Fields

DECLARATION OF PAUL J. CRONIN

I, Paul J. Cronin, hereby declare as follows:

1. I am principal counsel for Appellant DePuy Synthes Products, LLC, in *DePuy Synthes Products, LLC v. Smith & Nephew, Inc.*, No. 14-1136, currently pending before this Court.

2. Based on my personal knowledge or conversations with other counsel of record, the facts set forth in Appellant's Unopposed Motion to Extend Time For Filing Brief are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 10, 2014.

/s/ Paul J. Cronin
Paul J. Cronin

CERTIFICATE OF SERVICE

I, Paul J. Cronin, hereby certify I electronically filed Appellant's Motion to Extend Time To File Brief with the U.S. Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 10th day of January, 2014, by electronic delivery through the Court's CM/ECF system to:

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